

**Notice of Allowability**

Application No.

10/796,090

Examiner

Brian D. Nguyen

Applicant(s)

TAKE, KEIJIRO

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/28/06.
2. ☒ The allowed claim(s) is/are 7,13,19 and 20 (renumbered 1-4, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/156,703.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/10/06 & 2/1/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20060425
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**BRIAN NGUYEN**

**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Michael Monaco on 4/25/06.

3. The application has been amended as follows:

**Claim 7.** A radio communication method of a base station used for a radio communication system employing CDMA (Code Division Multiple Access) for radio access and providing multi-rate transmission, the radio communication system including a base station controller, a plurality of base stations, and a plurality of mobile stations, the base station being one of said plurality of base stations, the radio communication method comprising steps of:

transmitting code information by message from the base station controller ~~controlling apparatus~~ to one of the plurality of mobile stations, said code information for switching from a first code being used to a second code;

transmitting timing information by message to the one of the plurality of mobile stations, said timing information including an integer representing a frame at which the first code is switched to the second code;

switching from the first code to the second code at the base station in synchronization with switching from the first code to the second code at the one of the plurality of mobile station; and

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receiving a completion message from the one of the plurality of mobile stations indicating completion of switching from said first code being used to said second code at the one of the plurality of mobile stations.

**Claim 13.** A base station used for a radio communication system employing CDMA (Code Division Multiple Access) for radio access and providing multi-rate transmission, the radio communication system including a base station controller, a plurality of base stations, and a plurality of mobile stations, the base station being one of said plurality of base stations, the base station comprising:

a code switch informing unit configured to transmit code information by message to one of the plurality of mobile stations, said code information for switching from a first code being used to a second code;

a timing information sending unit configured to transmit timing information by message to the one of the plurality of mobile stations and to receive a completion message from the one of the plurality of mobile stations indicating completion of switching at the one of the plurality of mobile stations, said timing information including an integer representing a frame at which the first code is switched to the second code; and

a switching unit configured to switch from the first code to the second code at the base station in synchronization with [[a]] switching of from the first code to the second code at the one of the plurality of mobile stations.

**Claim 19.** A radio communication method of a base station used for a radio communication system employing CDMA (Code Division Multiple Access) for radio access and providing multi-rate transmission, the radio communication system including a base station controller, a plurality of base stations, and a plurality of mobile stations, the

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base station being one of said plurality of base stations, the radio communication method comprising steps of:

transmitting the code information by message to one of the plurality of mobile stations, said code information for switching from a first code being used to a second code;

transmitting timing information by message to the one of the plurality of mobile stations, said timing information including an integer representing a frame at which the first code is switched to the second code;

switching from the first code to the second code at the base station at said frame represented by said integer in synchronization with switching from the first code to the second code at the one of the plurality of mobile stations; and

receiving a completion message from the one of the plurality of mobile stations indicating completion of switching at the one of the plurality of mobile stations at said frame represented by said integer.

**Claim 20.** A base station used for a radio communication system employing CDMA (Code Division Multiple Access) for radio access and providing multi-rate transmission, the radio communication system including a base station controller, a plurality of base stations, and a plurality of mobile stations, the base station being one of said plurality of base stations, the base station comprising:

a code switch informing unit configured to transmit code information by message to one of the plurality of mobile stations, said code information for switching from a first code being used to a second code;

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a timing information sending unit configured to transmit timing information by message to the one of the plurality of mobile stations, said timing information including an integer representing a frame at which the first code is switched to the second code and to receive a completion message from the one of the plurality of mobile stations indicating completion of switching at the one of the plurality of mobile stations at said frame represented by said integer; and

a switching unit configured to switch from the first code to the second code at the base station at said frame represented by said integer in synchronization with switching from the first code to the second code at the one of the plurality of mobile stations.

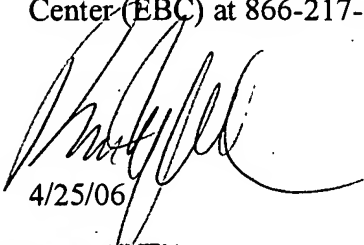
#### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



4/25/06

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**